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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/656,959 | 09/07/2000 | TETSUJI ADACHI | NE-1024-US/K | 1954 |

466 7590 11/05/2003

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| EXAMINER |
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SALAD, ABDULLAHI ELMI

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| ART UNIT | PAPER NUMBER |
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2157

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,959

Applicant(s)

ADACHI, TETSUJI

Examiner

Salad E Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Detailed Action

1. This application has been reviewed. Original claims 1-30 are pending. The rejection cited stated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al U.S. Patent No. 6,308,061, in view of Fuentes U.S. Patent No. 5,960,340.

As per claims 1, 3, 10, 71, 19 and 25, Criss et al., disclose a system for updating data installed on a client terminal from a server system via a communication network, comprising:
at said client terminal,

(a) storing a version number of the installed data (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

(b) transmitting a request message to the server system via the communication network in response to an event triggered by a user a of said client terminal, said request message containing the version number of said data (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

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at said server system,

© storing most recent data and a version number of the most recent data (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

(d) receiving the transmitted request and comparing the version number contained in the received request to the stored version number (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

(e) transmitting a copy of said most recent data and the version number of the most recent data to said client terminal via the is communication network if there is a mismatch between the compared version numbers and a phone number of said client terminal (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);, and

at said client terminal,

(f) receiving the copy of the most recent data and the version number from the server system and updating the installed data with the received copy and updating the stored version number with the received version number (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54).

Criss et al., is silent regarding: the transmitted request message contains a phone number of the client terminal.

Fuentes in an analogous art discloses a wireless communications system including a client terminal (wireless telephone set or mobile device) for transmitting a request message containing

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the devices telephone number (see the abstract). Furthermore, Criss et al., teaches the transmitted request includes variety information fields such as header fields, the hardware address field and other fields which may include telephone number of the client terminal (i.e. telephone set or mobile device). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to use to a phone number to identify the client terminal, advantageously, enabling the users of the client terminal to be identified with their telephone number even when they are calling from a different location.

In considering claims 5, 12, 13, 21, 27 and 28. Although, Criss et al., is silent the server system, imposing traffic control on the transmission of said copy of the most recent data when traffic of the request from said client terminal exceeds a predetermined rate, however, one skilled would have motivated to use such traffic control mechanism to avoid one particular client terminal to overload the network.

In considering claims 6-7, 14, 22-23 and 29, Criss et al., discloses a system wherein said client terminal is a wireless mobile terminal and said communication network is a mobile communication network and wherein said server system comprises a home location register connected to said mobile communication network and a server connected to said home location

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register and said network, and wherein said request from the client terminal is a location registration request (see (see fig. 1, element 36 and col. 5, line 65 to col. 6, line 58).

In considering claims 8, 9, 15, 16, 24 and 30 Criss et al., discloses a system wherein the step © further a comprises, at said server system, receiving new data from a network manager (an administrator) when the network manager makes a change in previous data and storing the new data as said most recent data(see col. 7, lines 52-67).

As per claims 2, 4, 11, 18, 20 and 26. The claims include features discussed above with respect to claims 1, 3, 10, 17, 19 and 25, further reciting: at the server system storing most recent data mapping a plurality of version numbers of said data to a plurality of phone numbers (see Criss et al., fig. 4, and col. 9, line 57 to col. 10, line 19, where a bootptab is used for mapping a plurality of version numbers and information identifying the client terminal (i.e., IP address which may include telephone number).

CONCLUSION

4. The prior art made of record and relied upon is considered pertinent to the applicants disclosure.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is **(703) 308-8441**. The examiner can normally be reached on Monday to Friday from **8:30 AM to 5:00 PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Etienne, Ario** can be reached at **(703)308-7562**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703)305-3900**.

Any response to this action should mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 7872-9306).

As

10/30/2003


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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